

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

WAYNE BEST,)
)
Plaintiff,)
)
v.) No. 3:07-CV-378
) (VARLAN/SHIRLEY)
BLOUNT COUNTY, TENNESSEE,)
and BLOUNT COUNTY BOARD OF)
EDUCATION,)
)
Defendants.)

MEMORANDUM AND ORDER

This civil action is before the Court pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Orders [Docs. 25, 28] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the defendants' Amended Motion to Compel [Doc. 26] and the plaintiff's Motion for Protective Order. [Doc. 20] On August 11, 2008, the parties appeared before the Court for a hearing on the instant motions. Attorney Stephen T. Hyder appeared on behalf of the plaintiff and attorney Carl P. McDonald appeared on behalf of the defendants.

The defendants move the Court to compel the plaintiff to more fully respond to Interrogatories 18, 19, and 20 of the defendants' Interrogatories and Request for Production of Documents and Tangible Things propounded April 16, 2008 (the "Discovery Request"). The defendants further move the Court to compel the plaintiff to provide amended responses to Interrogatories 2, 3, and 6 of the Discovery Request consistent with the statements of plaintiff's

counsel during the June 25, 2008, telephonic conference before the undersigned.¹ In response, the plaintiff moves the Court for the entry of a protective order denying the defendants discovery as to the contested Interrogatories.

During the hearing, the Court determined that the instant discovery dispute stems from a failure in communication, and not from the bad faith of any of the parties. Accordingly, the defendants' amended motion to compel [Doc. 26] is **GRANTED** to the extent that the plaintiff shall provide the defendants with an amended answer to the Discovery Request which shall include amended answers to Interrogatories 2, 3, and 6 consistent with the statements of plaintiff's counsel during the June 25, 2008, telephonic conference before the undersigned and during the motion hearing on August 11, 2008; and amended answers to Interrogatories 18, 19, and 20 which set forth the basis of the plaintiff's allegations in his Complaint corresponding to the language cited in the three Interrogatories.² The plaintiff's motion for protective order [Doc. 20] is **DENIED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge

¹During the June 25 telephone conference, the parties also addressed Interrogatory 4 of the Discovery Request, but during the August 11 hearing defense counsel advised the Court that there was no longer a dispute over Interrogatory 4.

²Specifically, Interrogatories 18 and 19 relate to ¶ 21 of the plaintiff's Amended Complaint [Doc. 12] and Interrogatory 20 relates to ¶ 22 of the plaintiff's Amended Complaint [Doc. 12]